IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA) | | | |
|--|--|--|--|
| Plaintiff, |) 8:05CR253) | | |
| vs. |) DETENTION ORDER | | |
| CANDACE M. HOHLFELD, |) | | |
| Defendant. |) | | |
| A. Order For Detention After conducting a detention hearing pursua Act on July 13, 2005, the Court orders the at 18 U.S.C. § 3142(e) and (i). | | | |
| will reasonably assure the appearance | because it finds: hat no condition or combination of conditions ce of the defendant as required. It no condition or combination of conditions | | |
| which was contained in the Pretrial Services X (1) Nature and circumstances of the X (a) The crime: a conspiracy methamphetamine (Coun minimum sentence of twe life imprisonment; the po violation of 21 U.S.C. § twenty years imprison methamphetamine (Coun carries a minimum sen maximum of forty years equipment to manufactur a maximum sentence of t (b) The offense is a crime of (c) The offense involves a na (d) The offense involves a lar (2) The weight of the evidence again X (3) The history and characteristics of (a) General Factors: The defendant apper affect whether the de The defendant has n X The defendant has n The defendant is no | to manufacture in excess of 500 grams of at I) in violation of 21 U.S.C. § 846 carries a enty years imprisonment and a maximum of ssession of pseudoephedrine (Count II) in 841(c)(2) carries a maximum sentence of ment; the attempt to manufacture at III) in violation of 21 U.S.C. § 841(a)1) tence of five years imprisonment and a simprisonment; and the possession of the acontrolled substance (Count IV) carries then years imprisonment. Violence. The arcotic drug. The amount of controlled substances, to with the defendant is high. The defendant including: The ars to have a mental condition which may be a sensitive in the area. | | |

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| | ` ' | Past conduct of the defendant: X The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. X The defendant has a significant prior criminal record. X The defendant has a prior record of failure to appear at court proceedings. At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence. Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. |
|-------------|-----------------------------------|---|
| | | The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.Other: |
| <u>X</u> (4 | area | nature and seriousness of the danger posed by the defendant's release s follows: The nature of the charges in the Indictment and the defendant's tantial substance abuse history. |
| | In de the fo which X_ (a | termining that the defendant should be detained, the Court also relied on collowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) in the Court finds the defendant has not rebutted: That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: |
| | <u>X</u> (b | That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device). |

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.
- 4. Pretrial Services shall obtain a substance abuse treatment evaluation of the defendant and provide a copy of the report to the court and counsel.

DATED: July 13, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge